Sectt. II-29—25,502—6-12-24.

Leg Law (1925) Department.
(General)

Misc SERIES.

G.O. No. 3018

DATED 3 - X - 25

[Despatch Abstract.]

Legislative Council Question
Mr V Rama Rao — The Holding
Sub Court - Mangalore on Eye -

Starred Question.

No 3

Subjudge, Mangalore holding

Court on bye-election

day

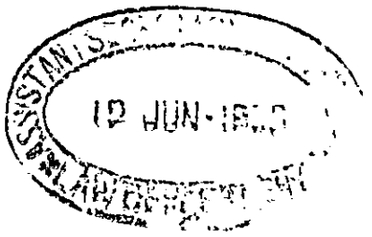
Law Dept. III-8—4,000—1-12-24.

QUESTION.—No. 149 for the next meeting of the Legislative Council ~~to be held on the~~ ~~192~~

L. S 2945 B
12/6/25

SUBMITTED that two copies of this Question may be forwarded to the Law General Department.

The Question has been admitted.



~~Draft~~
9/6/1925

U.O. No. , *dated*

To

The Law General Department.

2

Starred Question. Council Office.

25th May 1925.

Rao Sahib U. Rama Rao.

THE LAW (GENERAL) DEPARTMENT.

149. Will the hon. the Law Member be pleased to state:-

(a) whether it is a fact that the sub judge of South Kanara, Mangalore, held court and dismissed suits for default on 20-4-1925, the date of the bye-election to the Madras Legislative Council and after the court had closed for the Summer Vacation;

(b) whether the Election day was not also a public holiday throughout the district; if the answer is in the affirmative whether the sub-judge was authorised to hold his court on that day;

(c) whether the Government generally approve of the holding of courts on the dates of Election to the Legislative Councils; and if the answer is in the negative, whether the Government will kindly call for an explanation from the subjudge concerned, if not already done so, and place it before the Council;

(d) whether it is a fact that the subjudge held his court in spite of representations made to him by prominent members of the Bar that they and their clients could not attend the court on that day as it was Council Election day; and

(e) whether judicial officers are permitted to hold courts after they are closed for summer vacation and even though vakils and parties are unwilling to attend them; and ~~if they are not~~

as permitted whether the Government will kindly also obtain the subjudge's explanation as to why he held court during summer vacation and place it before the Council?

KR

b) what the explanation of the subjudge concerned is in regard to his action?.

(3)

Law (Genl.) Deptt.

A draft reference to the High Court called for the information is put up.

V.T.K.
13.6.25

Sec'y
Board

May information be called for

V.T.K.
15.6

or shall I am inclined to say that the Govt have no information. A person whose suit has been dismissed has a right of appeal to the Dt Court & High Court

V.T.K.
15.6

C.I.

We may add that the litigants have the remedy of appeal if the Judge acted illegally

C.O.R.
16/6.

The answer will then be "The Govt. have no information. ~~He~~ The litigants have the remedy of appeal if the judge acted illegally

2. It is presumed that no information is to be called for.

Sec'y
Board

V.T.K.
18/6

V.T.K.
18/6

Deptt. to answer shows Suptd.

V.T.K.
18/6

DESPATCHED
20 JUN 1925

To Board

5

The holding of the Subordinate Judge's Court at Mangalore.

3 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Law Member be pleased to state—

(*a*) whether it is a fact that the Sub-Judge of South Kanara, Mangalore, held court and dismissed suits for default on 20th April 1925, the date of the bye-election to the Madras Legislative Council, and after the court had closed for the summer vacation;

(*b*) whether the election day was not also a public holiday throughout the district; if the answer is in the affirmative whether the Sub-Judge was authorized to hold his court on that day;

(*c*) whether the Government generally approve of the holding of courts on the dates of election to the Legislative Councils;

(*d*) whether it is a fact that the Sub-Judge held his court in spite of representations made to him by prominent members of the Bar that they and their clients could not attend the court on that day as it was Council election day;

(*e*) whether judicial officers are permitted to hold courts after they are closed for summer vacation and even though vakils and parties are unwilling to attend them; and

(*f*) what the explanation of the Sub-Judge concerned is in regard to his action?

A.—The Government have no information. The litigants have the remedy of appeal if the Judge acted illegally.

Rao Sahib U. RAMA RAO:—"With reference to clause (*b*) of my question, viz., 'whether the election day was not also a public holiday throughout the district; if the answer is in the affirmative whether the Sub-Judge was authorized to hold his court on that day,' the answer is: 'The Government have no information.' Am I to understand that the Government have no information on that point?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"The Government did not call for answers to these various questions inasmuch as, if the Subordinate Judge acted in the manner suggested, his judgment would be open to correction by an appellate tribunal."

Rao Sahib U. RAMA RAO:—"Then again, with reference to clause (*c*), viz., 'whether the Government generally approve of the holding of courts on the dates of election to the Legislative Councils,' am I to understand that the Government have ruled so?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"From the fact that these days are public holidays arises the inference that the Government is not in favour of courts being held on such days."

M

May be "Recorded"

M. 30.9.25

Orders No. Yes. 30.9.25

13-10-25

Leg. & C.

Mr U Rama Rao

The hold[illegible]

Vakil Court [illegible]

on [illegible] bye-election

do